

12CV8487  
Koel/HJS 44C/SDNY  
REV. 7/2012

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS  
Federal Housing Finance Agency (FHFA)DEFENDANTS  
Residential Capital, LLC, et al. (Debtors)FILED  
U.S. BANKRUPTCY COURT  
2012 NOV -9 P 4:05ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
Andrew K. Glenn, Daniel A. Fliman, Kanchana W. Leung  
KASOWITZ, BENSON, TORRES & FRIEDMAN LLP  
1633 Broadway, New York, NY 10019, Tel: 212-506-1700ATTORNEYS (IF KNOWN)  
Gary S. Lee, Joel C. Haims  
MORRISON & FOERSTER LLP  
1290 Avenue of the Americas, New York, NY 10019, Tel: 212-468-8000CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 158(a) - Appeal from Bankruptcy Court Order denying discovery pursuant to Bankruptcy Court's 11 U.S.C. § 105 (a) authority.

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_IS THIS AN INTERNATIONAL ARBITRATION CASE? No ☐ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES	
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>FORFEITURE/PENALTY</b>
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY -	<input type="checkbox"/> 610 AGRICULTURE
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	<input type="checkbox"/> MED MALPRACTICE	<input type="checkbox"/> 620 OTHER FOOD &
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 365 PERSONAL INJURY	<input type="checkbox"/> DRUG
<input type="checkbox"/> 140 NEGOTIABLE	<input type="checkbox"/> 320 ASSAULT, LIBEL &	<input type="checkbox"/> PRODUCT LIABILITY	<input type="checkbox"/> 625 DRUG RELATED
<input type="checkbox"/> INSTRUMENT	<input type="checkbox"/> SLANDER	<input type="checkbox"/> 368 ASBESTOS PERSONAL	<input type="checkbox"/> SEIZURE OF
<input type="checkbox"/> 150 RECOVERY OF	<input type="checkbox"/> 330 FEDERAL	<input type="checkbox"/> INJURY PRODUCT	<input type="checkbox"/> PROPERTY
<input type="checkbox"/> OVERPAYMENT &	<input type="checkbox"/> EMPLOYERS'	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 21 USC 881
<input type="checkbox"/> ENFORCEMENT	<input type="checkbox"/> LIABILITY	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 630 LIQUOR LAWS
<input type="checkbox"/> OF JUDGMENT	<input type="checkbox"/> 340 MARINE	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 640 RR & TRUCK
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT	<input type="checkbox"/> 371 TRUTH IN LENDING	<input type="checkbox"/> 650 AIRLINE REGS
<input type="checkbox"/> 152 RECOVERY OF	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 380 OTHER PERSONAL	<input type="checkbox"/> 660 OCCUPATIONAL
<input type="checkbox"/> DEFAULTED	<input type="checkbox"/> 350 MOTOR VEHICLE	<input type="checkbox"/> PROPERTY DAMAGE	<input type="checkbox"/> SAFETY/HEALTH
<input type="checkbox"/> STUDENT LOANS	<input type="checkbox"/> 355 MOTOR VEHICLE	<input type="checkbox"/> 385 PROPERTY DAMAGE	<input type="checkbox"/> LABOR
<input type="checkbox"/> (EXCL VETERANS)	<input type="checkbox"/> PRODUCT LIABILITY	<input type="checkbox"/> PRODUCT LIABILITY	<input type="checkbox"/> 710 FAIR LABOR
<input type="checkbox"/> 153 RECOVERY OF	<input type="checkbox"/> 360 OTHER PERSONAL	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> STANDARDS ACT
<input type="checkbox"/> OVERPAYMENT	<input type="checkbox"/> INJURY	<input type="checkbox"/> 510 MOTIONS TO	<input type="checkbox"/> 720 LABOR/MGMT
<input type="checkbox"/> OF VETERAN'S	<b>ACTIONS UNDER STATUTES</b>	<input type="checkbox"/> VACATE SENTENCE	<input type="checkbox"/> RELATIONS
<input type="checkbox"/> BENEFITS	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 20 USC 2255	<input type="checkbox"/> 730 LABOR/MGMT
<input type="checkbox"/> STOCKHOLDERS	<input type="checkbox"/> 441 VOTING	<input type="checkbox"/> 530 HABEAS CORPUS	<input type="checkbox"/> REPORTING &
<input type="checkbox"/> SUITS	<input type="checkbox"/> 442 EMPLOYMENT	<input type="checkbox"/> 535 DEATH PENALTY	<input type="checkbox"/> DISCLOSURE ACT
<input type="checkbox"/> 190 OTHER	<input type="checkbox"/> 443 HOUSING/	<input type="checkbox"/> 540 MANDAMUS & OTHER	<input type="checkbox"/> 740 RAILWAY LABOR ACT
<input type="checkbox"/> CONTRACT	<input type="checkbox"/> ACCOMMODATIONS	<b>PRISONER CIVIL RIGHTS</b>	<input type="checkbox"/> 790 OTHER LABOR
<input type="checkbox"/> CONTRACT	<input type="checkbox"/> 444 WELFARE	<input type="checkbox"/> 550 CIVIL RIGHTS	<input type="checkbox"/> LITIGATION
<input type="checkbox"/> PRODUCT	<input type="checkbox"/> 445 AMERICANS WITH	<input type="checkbox"/> 555 PRISON CONDITION	<input type="checkbox"/> 791 EMPL RET INC
<input type="checkbox"/> LIABILITY	<input type="checkbox"/> DISABILITIES -	<b>IMMIGRATION</b>	<input type="checkbox"/> SECURITY ACT
<input type="checkbox"/> 196 FRANCHISE	<input type="checkbox"/> EMPLOYMENT	<input type="checkbox"/> 462 NATURALIZATION	<input type="checkbox"/> 710 FAIR LABOR
<b>REAL PROPERTY</b>	<input type="checkbox"/> 443 HOUSING/	<input type="checkbox"/> 463 HABEAS CORPUS-	<input type="checkbox"/> STANDARDS ACT
<input type="checkbox"/> 210 LAND	<input type="checkbox"/> ACCOMMODATIONS	<input type="checkbox"/> ALIEN DETAINEE	<input type="checkbox"/> LABOR/MGMT
<input type="checkbox"/> CONDEMNATION	<input type="checkbox"/> 444 WELFARE	<input type="checkbox"/> OTHER IMMIGRATION	<input type="checkbox"/> REPORTING &
<input type="checkbox"/> FORECLOSURE	<input type="checkbox"/> 445 AMERICANS WITH	<input type="checkbox"/> ACTIONS	<input type="checkbox"/> DISCLOSURE ACT
<input type="checkbox"/> RENT LEASE &	<input type="checkbox"/> DISABILITIES -	<input type="checkbox"/> 465 NATURALIZATION	<input type="checkbox"/> RAILWAY LABOR ACT
<input type="checkbox"/> 230 EJECTMENT	<input type="checkbox"/> EMPLOYMENT	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> 740 RAILWAY LABOR ACT
<input type="checkbox"/> TORTS TO LAND	<input type="checkbox"/> 446 AMERICANS WITH	<input type="checkbox"/> 463 HABEAS CORPUS-	<input type="checkbox"/> 790 OTHER LABOR
<input type="checkbox"/> 245 TORT PRODUCT	<input type="checkbox"/> DISABILITIES -OTHER	<input type="checkbox"/> ALIEN DETAINEE	<input type="checkbox"/> LITIGATION
<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS	<input type="checkbox"/> OTHER IMMIGRATION	<input type="checkbox"/> EMPLOYMENT
<input type="checkbox"/> ALL OTHER	<input type="checkbox"/> (Non-Prisoner)	<input type="checkbox"/> ACTIONS	<input type="checkbox"/> SECURITY ACT
<input type="checkbox"/> REAL PROPERTY			

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE Denise L. Cote DOCKET NUMBER 11-cv-7010

Check YES only if demanded in complaint  
JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE  
CITIZENSHIP BELOW.  
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[ ]	[ ]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[ ]	[ ]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[ ]	[ ]
CITIZEN OF ANOTHER STATE	[ ]	[ ]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ]	[ ]	FOREIGN NATION	[ ]	[ ]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Federal Housing Finance Agency  
400 7th Street Southwest,  
Washington, DC 20024

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Residential Capital, LLC  
1177 Avenue of the Americas  
New York, NY 10036

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN  
(DO NOT check either box if this is a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 11/9/12 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

☒ YES (DATE ADMITTED Mo. July Yr. 2004 )

Attorney Bar Code # DF2236

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)